

REMARKS

After entry of this response, Claims 1-6 remain pending in the present application. Additionally, Applicant has added new Claim 41. Applicant respectfully requests reconsideration by the Examiner in light of the following remarks.

I. Rejection Under 35 USC §101

The Examiner issued a double patenting rejection of Claims 1 and 2 as claiming the same invention as that of Claim 1 of Application No. 09/475,709. The subject matter of Claim 1 of Application No. 09/475,709 includes a species of dependent Claim 2 of the present application. In the present application, Claim 1 includes the genus of the species referred to in dependent Claim 2. Applicant has amended dependent Claim 2 of the present application to remove the species included in Claim 1 of Application No. 09/475,709 thereby obviating the double patenting rejection.

Consequently, the double patenting rejection under 35 U.S.C. 101 of Claims 1 and 2 is improper and must be withdrawn.

II. Rejection Under 35 USC §102 (Scheiner)

The Examiner has rejected the Claims under 35 USC 102(e) as being anticipated by Scheiner et al. U.S. Patent No. 6,361,522. Applicant respectfully traverses this rejection. Based on the accompanying affidavits, Applicant has antedated the Scheiner reference. The present application claims the benefit of Application No. 10/123,958, which is a continuation of Application No. 09/475,709. Application No. 09/475,709 was conceived prior to October 21, 1999, which is the effective date of the Scheiner reference. After an Invention Disclosure Form describing the invention was received and reviewed by Applicant prior to the effective date, a decision was made to prepare and file a patent application. The disclosure was presented to the Legal Group and a

patent application was diligently prepared and filed with the inventors' cooperation.

Therefore, the Scheiner reference has been antedated and does not qualify as prior art to the claimed invention. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Should any issues remain outstanding, the Examiner is respectfully urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,

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Date

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